



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,412	11/10/2003	Hans Dehli	50302/SAH/H362	4398
23363	7590	08/29/2006	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			BROWN, MICHAEL A	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	
			3764	

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/705,412	DEHLI, HANS	
	Examiner	Art Unit	
	Michael Brown	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-10,12,14-21 and 23 is/are rejected.
- 7) ☒ Claim(s) 3, 5, 11, 13, 22 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujii '218.

Fujii '218 discloses in figures 1-12 a massage system comprising a motor (col. 4, lines 6-8), having an output shaft 6, at least one bellows 37 connected to the plate by 28, having an extended position (when the bellows is extended) and a retracted position (when the bellows is retracted) the motor causes the plate to oscillate (swing in a seesaw motion) from a first position to a second position, the at least one bellows includes a first bellows 37 and a second bellows 34, arranged such that the plate is in a first position the first bellow is retracted (fig. 9) and the second bellow is extended (fig. 9) and when the plate is in a second position the second bellows is retracted and the first bellows is extended and the at least one bellow includes a first 37, a second 34, a third 33 and a fourth 39 bellows.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3764

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6 and 8 rejected under 35 U.S.C. 102(b) as being anticipated by Warwick.

Warwick discloses in 3 a massage system comprising a motor 93, at least one bellows 88, having an extended position and a retracted position (inflation causes the bellows to extend and deflation causes the bellow to retract), at least one inflatable bladder 16 connected to each bellows (via tube 114) and the bladder is disposed in an expandable pad 14 (col. 5, lines 25-28, it appears that the material can be stretchable or non-stretchable. The reason for the material being stretchable is the pockets having rigid plates therein).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Warwick.

Warwick discloses in figure 3 a massage system, substantially as claimed.

However, Warwick doesn't disclose more than one inflatable bladder. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that it is a matter of duplication to have one bladder on one side of the chest

Art Unit: 3764

versus having two bladders with one bladder on each side of the chest to produce massaging on both side of the chest.

Claims 6-10, 12, 14-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujii '218 in view of Warwick, along with Hester '300.

Fujii '218 discloses a massage system, substantially as claimed, as set forth above that further comprises a massage chair 1. However, Fujii doesn't disclose a bladder connected to the bellows or bladders disposed in leg or seat portions of the chair. Warwick teaches in figure 3 a bladder 16 connected to a bellows 90. Hester teaches in figure 19 a massage system comprising a massage chair having bladders 94 in a leg and seat portion of the chair. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the bladder as taught by Warwick could be substituted for one of the bellows disclosed by Fujii because the bellows and the bladder are used to perform the same function in a massaging device. The bladders as taught by Hester could be incorporated into the seat and leg portion of the chair disclosed by Fujii in order to provide massaging to the leg and seat of an individual. The bladder could be duplicated to provide two bladders that correspond to two bellows.

Allowable Subject Matter

Claims 3, 5, 11, 13, 22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed June 26, 2006 have been fully considered but they are not persuasive. Applicant argues that Fujji doesn't disclose the bellows connected to a plate and that because of the oscillation of the plate at least one bellows is retracted and at least one bellows is extended. However, the bellows disclosed by Fujji are connected to plates. When the plate moves, the bellows also move. Thus the oscillating movement of the plate causes the bellows to expand and contract. Applicant argues that the bellows 88 and 90 aren't attached to inflatable bladder 16. Applicant also argues that only bellows 88 is connected to bladder 16. However, because the device is integral all the parts are joined together. The parts may not all be directly connected together but they are connected together. Applicant argues that Warwick doesn't anticipate claims 6 because the inflatable bladder isn't connected to each bladder and that air lacks backward and forward movement between the bladder and the bellows. However, as set forth above, the bladder is connected to the bellows. Air is capable of moving between the bladder and the bellows. Applicant argues that there is no motivation to combine Fujji with Warwick and Hester. However, Fujji was used to set forth the environment of a massage system. Warwick was used as a modifier to

provide a bladder connected to a bellows and Hester was used as a modifier to provide bladders in the leg and seat portion of a massage chair.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is 571-272-4972. The examiner can normally be reached on 5:30 am-4:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gergory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3764

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M. Brown
August 25, 2006

A handwritten signature in black ink, appearing to read "Michael A. Brown", with a long horizontal flourish extending to the right.

MICHAEL A. BROWN
PRIMARY EXAMINER